

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

Case No. 01-80274

v.

Hon. John Corbett O'Meara

MARVIN EARL BELL,

Defendant.

**ORDER DENYING MOTION
FOR EXPUNGEMENT OF CONVICTION**

Before the court is Marvin E. Bell's request that his conviction be set aside or expunged. In 2002, Bell pleaded guilty to one count of possession with intent to distribute cocaine. The court sentenced Bell to a term of 60 months in prison.

The court received a letter from Bell on August 8, 2016, requesting that his conviction be pardoned, expunged, or set aside. The government submitted a response on August 31, 2016. Bell states that he has been a responsible, productive, and law-abiding citizen since his release from prison in 2006. He and his wife desire to open a group home for young adults in foster care, which they are unable to do because of his felony record.

The court commends Bell's rehabilitation and achievements. Unfortunately,

the court lacks the authority to expunge or set aside his conviction or felony record under the circumstances presented here. See United States v. Field, 756 F.3d 911, 915 (6th Cir. 2014). “[F]ederal courts lack ancillary jurisdiction over motions for expungement that are grounded on purely equitable considerations – *e.g.*, motions alleging that the movant has maintained good conduct and that the record of arrest harms the movant’s employment opportunities.” Id.

Therefore, IT IS HEREBY ORDERED that Bell’s motion for expungement is DENIED.

s/John Corbett O’Meara
United States District Judge

Date: September 7, 2016

I hereby certify that a copy of the foregoing document was served upon the parties of record on this date, September 7, 2016, using the ECF system and/or ordinary mail.

s/William Barkholz
Case Manager